

**RESOLUTION NO. 265
A RESOLUTION OF THE
FOUNTAIN HILLS SANITARY DISTRICT
BOARD OF DIRECTORS
AMENDING THE DISTRICT'S RULES AND REGULATIONS
BY AMENDING ARTICLE IX, SECTION 3, DEALING WITH EASEMENTS**

WHEREAS, the Board of Directors (“Board”) of the Fountain Hills Sanitary District (“District”) is authorized and empowered to construct, maintain and operate within or without the District a sewerage system and necessary sewage disposal and treatment plants, including facilities in, under, over or through any street, or any public land in the District, or any right-of-way or public utility easement granted or obtained for such purpose;

WHEREAS, the Board of Directors of the Fountain Hills Sanitary District is authorized and empowered to manage and conduct the business and affairs of the District and do all other things incidental to exercising the powers of the District, including the adoption of rules;

WHEREAS, in the exercise of such authority, the Board finds it necessary and appropriate to amend Article IX, Section 3;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FOUNTAIN HILLS SANITARY DISTRICT THAT Article IX, Section 3 (Easements) of the District’s Rules and Regulations be amended to read as follows:

Section 3. Easements

A. All property owners desiring the connection of the improvements on their property to the sewer system of the District shall grant to the District, at no charge to the District, those easements necessary to properly effectuate the sewer connection desired and provide the District with a right-of-way over and along all sewers the District will operate and maintain, in such form and subject to such conditions as the District deems necessary and appropriate, including without limitation the conditions set forth in subsection B.

B. All persons and entities owning, occupying or having control over any lot, parcel or structure connected to the sewer system of the District or to which sanitary service is available to their property from the District shall abide by the following restrictions and conditions regarding the use of any and all public utility easements and rights-of-way held or used by the District, or which the District is authorized to use for the construction, maintenance or operation of sewer-related facilities:

1. Shall not block or unreasonably restrict the District’s access thereto or use thereof;
2. Shall not construct, build, establish, plant, place or maintain therein, or in proximity thereto, any building or structure (including, without limitation, residences, fences, gates, sheds, businesses, poles, towers) or any other item, including without limitation, trees, shrubbery, boulders, vehicles, firewood, building materials, pools,

gazebos, retaining walls, etc., so as to create a hazard to the public, the District, the District's facilities or any employee of the District;

3. Prior to constructing, building, placing, planting, establishing or maintaining anything therein or excavating therein, shall secure a permit from the District authorizing the activity;

4. Any violation of the conditions set forth in subsections B.1 – B.3, shall be removed, or otherwise addressed to the satisfaction of the District, without cost to the District; and

5. In the event a violation of this subsection B is not remedied as requested by District, or if District deems immediate action necessary to preserve the health or safety of the public, the District, the District's facilities or the District's employees, the District may remedy the violation and charge the person or entity in violation of this subsection B all costs incurred by the District, including, without limitation, labor, materials and overheads.

C. Applicants for a permit required by subsection B shall submit a written application therefore, together with any application fee and provide all further information District deems necessary and appropriate. District shall notify the applicant of the grant or denial of the application within 10 business days following receipt of all requested information. If granted, the applicant shall pay any required permit fee and comply with all terms and conditions of the permit. All items authorized by the permit shall be located subject to the direction and approval of the District.

D. The Board may prescribe guidelines and procedures for the abandonment of any easement or right-of-way or any rights therein held by the District which the Board determines is not and will not be required by the District in the operation of its sewerage system.

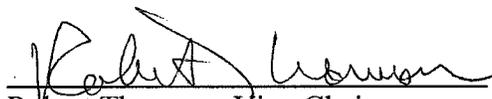
E. The Board may establish fees for processing applications and granting permits and abandonments under this Section 3.

BE IT FURTHER RESOLVED THAT the changes to the Rules and Regulations adopted herein shall become effective August 1, 2016.

BE IT FURTHER RESOLVED THAT the District Staff shall not later than the effective date of the changes to the Rules and Regulations specified herein:

1. Provide notice of the changes by publishing a copy of this Resolution for two consecutive weeks as specified in Arizona Revised Statutes Section 39-204;
2. Not later than the effective date specified herein, post a copy of this resolution in not less than three public places within the District; and
3. File affidavits of publication and posting with the District.

PASSED AND ADOPTED by the Board of Directors of the Fountain Hills Sanitary District on this 21st day of June, 2016.


Robert Thomson, Vice-Chairman